

399-08/WLJ

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William L. Juska (WJ 0772)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MOCOH S.A.,

Plaintiff,

- against -

FAL SHIPPING CO. LTD.,

Defendant.  
-----X

08-Civ-

**ORDER DIRECTING CLERK  
TO ISSUE PROCESS OF  
MARITIME ATTACHMENT  
AND GARNISHMENT;  
APPOINTING PERSON TO  
SERVE PROCESS PURSUANT  
TO RULE 4(c); AND  
CONCERNING SCOPE OF  
SERVICE**

Upon reading and filing the Verified Complaint of the Plaintiff herein, verified on the 24<sup>th</sup> day of July, 2008, and the Affidavit of Daniel J. Fitzgerald sworn to on the 21st day of July, 2008, that to the best of his information and belief Defendant FAL SHIPPING CO. LTD., (hereinafter "FAL") cannot be found within this District for the purpose of an attachment under Supplemental Rule B(1) and the Affidavit of William L. Juska sworn to on the 24th day of July 2008, in support of an Order Appointing A Special Process Server Pursuant to Rule 4(c), and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist, and good cause having been shown,

NOW, upon motion of Freehill Hogan & Mahar, LLP, attorneys for the Plaintiff, it is hereby

**ORDERED** that the Clerk of this Court is directed forthwith to issue the Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property of the Defendant FAL, as described therein, including but not limited to any property in which the Defendant FAL has an interest, including but not limited to any cash, funds, escrow funds, debts, credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, and/or any other assets of, belonging to, due or being transferred to, from, or for the benefit of the Defendant FAL, (collectively, "ASSETS"), including but not limited to such ASSETS as may be held, received or transferred for its benefit at, through, or within the possession, custody or control of banking institutions, and/or other garnishee(s) on whom a copy of the Process of Maritime Attachment and Garnishment may be served, in the amount of \$90,144.16, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure in respect to the claim against the Defendant FAL; and it is further

**ORDERED** that supplemental process enforcing the Court's Order may be issued and served without further Order of the Court; and it is further

**ORDERED** that Barbara Carnevale, Manuel Molina, Pamela Schultz, Justin Nastro, Daniel Fitzgerald, Susan Lee, Jan Gisholt, Robert Ridenour, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal or other agent of Freehill Hogan & Mahar LLP be and is hereby appointed, in addition to the United States Marshal, to serve the Process of Attachment and Garnishment and the Verified Complaint, together with a copy of this Order and any

interrogatories, upon garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for, or on behalf of the Defendant FAL; and it is further

**O R D E R E D** that following initial service upon any garnishee by the United States Marshal or any other person designated by this or any subsequent Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, such service to be in accordance with each garnishee's preference or policy, and such facsimile or other electronic transmission shall be deemed to be made within the district if it has been sent from within the district; and it is further

**O R D E R E D** that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and it is further deemed to be effective through the end of the next business day, provided another service is made the next business day; and it is further

**O R D E R E D** that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing, to accept service by any other means.

Dated: New York, New York

✓ July 24, 2008

  
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U.S.D.J.

